

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
MICHAEL HIGGINBOTHAM, )  
 )  
Defendant(s). )

No. CR 10-70285 BZ

**ORDER DENYING DEFENDANT'S EX  
PARTE APPLICATION TO  
SUBPOENA WITNESS**

Defendant's ex parte application to issue a witness subpoena is **DENIED**. While defendant has a right to present witnesses at a detention hearing, he does not have a right to subpoena witnesses to a detention hearing. See U.S. v. Delker, 757 F.2d 1390, 1397 (3d Cir. 1985); U.S. v. Bibbs, 488 F. Supp. 2d 925, 925-26 (N.D. Cal. 2007). The Court may reconsider this decision after it hears proffers and evidence offered at the detention hearing.

Dated: September 24, 2010



Bernard Zimmerman  
United States Magistrate Judge